

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 4, 7, 9, 12 and 14 are requested to be cancelled without prejudice or disclaimer.

Claims 1, 6, and 11 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 are now pending in this application.

Claims 1-15 were rejected by the examiner under the judicially created doctrine of obvious type double patenting. As none of these applications have yet been passed to issue, this rejection is premature under the MPEP. Applicants will submit a terminal disclaimer for any such obvious type claimed subject matter as appropriate after one of the listed patents has issued. Applicants appreciate the examiner raising this issue, and it will be dealt with as required by the PTO practice.

The claims have been amended to obviate the rejection under 35 USC 112.

Claims 1-15 were rejected under 35 USC 103 over Hafner et al. in view of Yamamoto et al. This rejection is respectfully traversed to the extent that it is applied to the claims as amended.

The claims as amended include the set of steps of receiving data from a plurality of stores of a supply chain utilizing a network, the data relating to an amount of goods sold by the stores; aggregating the data in a database; accessing a recipe for the goods sold and determining a plurality of different components required to manufacture the goods and the

amount required of each component to manufacture the good; determining from the aggregated data and the amount of different components required to manufacture each good a total amount of each component required to manufacture the aggregated amount of goods sold; translating the different total amount of each component to a case amount; and transmitting to a distributor at least one order for a plurality of the different components.

Hafner et al. discloses a supplier driven transaction processing system where forecasting parameters are maintained by the supplier and a suggested order quantity is generated after running POS data through a forecasting engine. It does not disclose the concept of the production of the goods at the store itself, in combination with receiving POS data from a plurality of different stores and aggregating the data, or a determination of amounts of components needed to produce the goods, or the conversion to cases of the components necessary to manufacture the aggregated store sales data. Yamamoto et al. discloses a raw material ordering system in accordance with production plans that are based on a variety of factors. Yamamoto does not address the deficiencies of Hafner. There is no motivation to combine these references to obtain an operable system, and such a combination would still not meet applicants' claimed invention.

The present invention is directed to manufacturing at a retail facility, such as restaurant. Special problems arise in this context due to perishability of the component food parts (hamburger patties, buns, pickles, for example) required for the production of the goods. Thus, the present claimed system facilitates the creation of real-time orders to a distributor based on aggregated POS data from a plurality of stores that cannot afford to over-order or to under order.

In view of the foregoing amendments and remarks, reconsideration and withdrawal of the present rejection is respectfully requested and early passage to issue is solicited.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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